

1910-033
Lee Co.

Chancery Causes: Ollie Lee Epperson vs. Earl M. Epperson

Bales, Marcum

CA-Divorce
T-Vices

Ollie Epperson
Earl M. Epperson

Bill for divorce a mensa et thoro

To the Hon. H. A. W. Skeen, Judge of the Circuit Court for
Lee County, Virginia.

Your complainant, Ollie Lee Epperson, respectfully represents:

(1) That on the 19th, day of Sept. 1906, your complainant, Ollie Lee Epperson, was lawfully married to Earl M. Epperson at Lafollette Tennessee, and continuously from the date of said marriage and up until the ____ day of December 1908, your complainant and the said Earl M. Epperson lived together and cohabited, as man and wife, the greater part of said time in Lee County, Virginia, and

(2) That Earl M. Epperson about ____ years ago began to willfully abuse and mistreat the said Ollie Lee Epperson, his wife, by beating her and threatening to kill her, and in other and various ways made it disagreeable, as well as dangerous to live with him, and that all this was done without cause upon her part, she having been to him a true and faithful wife, and

(3) That the said Earl M. Epperson has willfully deserted and abandoned your complainant the said Ollie Lee Epperson for a period of more than one year, that is to say that on the ____ day of December 1908, he voluntarily and without cause on her part left your complainant and child (which was born to them while they were living together as man and wife) without any means of support, and has not provided for them in any way, since his departure, more than a year ago.

(4) That your complainant has been domiciled in this State for more than one year next preceding the commencement of this suit, and is domiciled and is now a resident of this State, and that your complainant last cohabited with the said Earl M. Epperson in Lee County Virginia.

(5) That the said Earl M. Epperson has never returned nor cohabited with said complainant since he left her in December 1908

In consideration whereof and for as much as your complainant is remediless in the premises save in a court of equity, your

(6) That the said complainant has had the burden of rearing the child aforesaid, without any assistance whatever from the said Earl M. Epperson; that she is fully capable ^{of} caring for it, and is willing and anxious to retain the custody of said child, and that with the aid of her father who is willing and anxious to aid his daughter in caring for her child, its ~~wellfare~~ welfare and future happiness will be looked after much better than if it ~~was~~ ^{be} entrusted to its father who is a reckless ~~and~~ dissipated man and possessed with a roving disposition.

complainant prays that the said Earl H. Epperson be made a party defendant to this bill and be required to answer same, but not under oath, the oath being hereby waived, that the proper process may issue, that a divorce from bed and board may be decreed your complainant, and that she may have such further and other and general relief in the premises as the nature of the case may require or to equity shall seem meet.

Ollie Lee Epperson

Complainant.

W. L. Davidson p.c.

Ollie L. Epperson }
v } In Chancery
Earl M. Epperson }

Filed Nov. 7, 1910.

1910 2nd Nov. Rules
Bill filed & cont'd.
for O.P.

" 1st Dec. Rules
cont'd. for O.P.

" 2nd Dec. Rules
O.P. completed &
cause set for
hearings

Costs:

Clerk \$5.90
Printer 5.00
Atty. 15.00
Comm. 3.00
\$28.90

Ollie Lee Epperson

~~XXXXXXXXXX~~.

vs

Decree

Earl M. Epperson

This cause came on this day to be heard upon the Complainant's bill and depositions taken before a Commissioner in Chancery and filed by said Commissioner on behalf of the Complainant, and was argued by counsel.

On consideration whereof, and it appearing to the Court that the said parties were lawfully married on the 19th, day of Sept. 1906; that the said Earl M. Epperson was cruel to his wife and remiss in his duty as her husband by failing to support her and that on the latter part of Dec. 1908 he the said Earl M. Epperson did wilfully desert and abandon his said wife without justification for so doing; that the said Ollie Lee Epperson is now domiciled and has resided in this State for more than one year next preceding the commencement of this suit, and has not cohabited with the said Earl M. Epperson since he deserted her, and it further appearing to the Court that Ollie Lee Epperson is the proper person to have the care and custody of the child, it is hereby adjudged ordered and decreed that the said Earl M. Epperson and Ollie Lee Epperson be granted a divorce ~~WHICH WAS~~ from bed and board, which was created by the aforesaid marriage and that the said marriage be and the same is hereby to the extent aforementioned, ~~be~~ dissolved and annulled; and the Court doth further order and decree that the infant child born to the said parties shall be given over permanently to the care and custody of the said Ollie Lee Epperson with whom it shall remain, and it is further ordered and decreed that the said Earl M. Epperson shall pay unto the said Ollie Lee Epperson her costs by her in this behalf expended, and there remaining nothing further to be done in this suit it is stricken from the docket, but leave is hereby reserved to the parties or either of them, to make application to this Court for such further orders as may be authorized by law.

Ollie Lee Epperson
v. Decree
Earl M. Epperson

Entered in COB
No. 9, page 85th

Enter this sum.

~~H. a. W. D.~~

Dec. 10, 1910.

The depositions of Ollie Lee Epperson and others taken before me, Geo. P. Cridler, a commissioner in chancery for the Circuit Court of Lee County, Virginia, at the residence of R. H. Bales, near Bales Forge, Lee County, Virginia, on the 2nd day of December, 1910, which depositions are intended to be read as evidence in behalf of the plaintiff in a chancery cause now pending in the Circuit Court of Lee County, Virginia in which Ollie Lee Epperson is plaintiff and Earl M. Epperson is defendant.

Present: W. L. Davidson, attorney for plaintiff.

Ollie Lee Epperson, the plaintiff being duly sworn deposes as follows:
Ques. 1. - State your age and place of residence?

Ans. - I am 19 years old, and reside here with my father.

Ques. 2 - State whether or not on the 19th day of September 1906, you were lawfully married to Earl M. Epperson, at Lafollette Tennessee

Ans. - I was.

Ques. 3 - State whether or not you and

the said Carl M. Epperson lived together as husband and wife up and until the latter part of December, 1908?

Ans. - We did so live together until the latter part of December 1908

Ques. 4 - State whether or not there was a child born to you and the said Epperson during the time that you and he lived together, and if you state there was, please state the sex of the child and its age?

Ans. - There was a girl child born to us January 25, 1907.

Ques. 5 - State whether or not your husband during the time you lived together furnished you and your said child sufficient support?

Ans. - He did not.

Ques. 6 - Upon whom were you dependent for support during that time?

Ans. - I was dependent upon my father

Harrison Bales, and his father,
Thomas Epperson.

Ques. 7- Did your said husband treat
you kindly while he was living
with you, for not?

Ans. - He did not.

Ques. 8- Did you always try to do your
duty towards him as his
wife?

Ans. - I did.

Ques. 9- Did he ever strike you during
the time you were living
with him?

Ans. - Yes, sir.

Ques. 10- Did he at any time ever
threaten your life, ~~if~~

Ans. - He did.

Ques. 11. Did you consider him dan-
gerous at times?

Ans. Yes, sir.

Ques. 12- State whether or not on or
about the latter part of December
1908, your husband willfully de-
serted and abandoned you?

Ans. - He did abandon and desert me
on the 28th day of December, 1908.

Ques. - Was this desertion without cause
on your part?

Ans. Yes sir.

Ques. 13- Have you and your said husband lived together since the said 25th day of December, 1908

Ans. - No, sir.

Ques. 14- Has he ever sent you or your child anything for your support since he abandoned you?

Ans. - No sir.

Ques. 15- Who has supported you and your child since that time?

Ans. - My father.

Ques. 16. Do you wish to retain the Custody of your child?

Ans. - I do.

Ques. 17- With the help of your father are you in position to give your child a good home?

Ans. - Yes sir.

Ques. 18- Did your husband say anything as to where he was going when he abandoned you?

Ans. - Yes, sir, he said he was going away but that he didn't

Know where he was going
to till he landed.

Ques.- State ~~whether~~ where you and
your said husband last re-
sided and cohabited together,
and state where you have
resided for the last ^{year} next
before the institution of this
suit.

Ans.- In Lee County, Virginia, I have
lived in Lee County for the
two years, and was living
in Lee County with my said
husband at the time he abandoned
me.

And further this deponent saith not.
Ollie Lee Esperson.

A. H. Bales, Another witness of lawful
age being duly sworn deposes as follows

Ques. 1. Please state your age, place
of residence and your occupation?
Ans.- I am 50 years old, reside near
Bales Forge, Lee County, Virginia, my
principal occupation is farming.

Ques 2- Are you acquainted with the parties to this suit, and state if you are in any way related to them?

Ans. I am. The plaintiff is my daughter.

Ques 3 State whether or not the parties have been married and whether or not they now live together?

Ans.- They were married in Tennessee and I was not present. They afterwards lived together in this County as husband and wife for about one year, and then he deserted and abandoned her. He left here on one Saturday night, and on Sunday night following I saw him at Corbin Kentucky, and he told me he was going from there to Lafollette and that he did not know where he was going from there, and that he was not coming back.

Ques. 4. Do you know anything about the

way the ~~for~~ defendant treated the plaintiff, if so, tell what you know about it.

Ans. I was working away from home then and was not here except occasionally, my work being at Corbin Kentucky. My daughter complained to me that her husband had abused her but I did not see it myself.

Ques. 5. State what you may know with reference to who supported the plaintiff during the time she lived with her husband in this County.

Ans. They lived in the house with me for ^{about} a year, in fact all the time they lived in Lee County, and I furnished the support, both as to food and clothing for my daughter, her child and her husband, and I also furnished him money, and when he left he took my suit of clothing. I gave him money several times to get clothing and things for his wife and child, and he would go to the store and get the things

and have them charged to me
and spend the money for
himself. These bills came up
against me after he left, and
that was the first I knew of
his having the things charged.

Ques. - Who do you consider the proper
person to care for and raise the
child, its father or mother and state
why you think so.

Ans. - I think its mother is the proper
person to have the custody of the
child. He is a man who drinks
and gambles. He does not try to
provide anything for his child and
never has. And he spends his
money, when he has any foolishly
and not for the support of those
dependent on him. The child is
a little girl now only three ~~months~~
years old, and requires the care
and attention of its mother. I am
now aiding my daughter to support
and take care of the child and
if she is given custody of it I
will continue to do so.

Ques. 7- Where has the plaintiff resided for the year next before the institution of this suit?

Ans.- She has lived here with me in Lee County, Va. for more than one year before the institution of this suit.

And further this deponent saith
not. A. H. Baber

Robert Marcum a witness of lawful age being duly sworn deposes as follows:

Ques. 1. State your age, occupation and place of residence.

Ans. I am 58 years old I am a farmer, reside near Babers Forge Lee County, Va.

Ques 2- are you acquainted with the parties to this cause

Ans. - I am.

Ques. 3. State what you may know if anything with reference to the conduct of the Defendant towards the plaintiff while they lived in Lee County.

Ans. They staid with me some while they

lived in this County. I am her uncle
and my father was sick and
they staid with me ~~to~~ help while
I had to be with him a great
deal. I know that the ~~defendant~~ defendant
cursed and abused his wife quite
often, and one time ~~he~~ struck
her with a stick, and afterwards
he asked me not to tell his
wife's father about his striking
her. He carried a razor from
then on until he left and
threatened to cut his wife with
it, or any one else who lived
with him.

Ques. 4- Do you or not, think the plain-
tiff a proper person to have
custody of ~~the~~^{her} infant Child?

Ans.- I do think she is the proper per-
son to have custody of her child.
I think she and her father can
take care of the child and raise
and educate it properly. I do
not think the defendant a proper
person to have custody of this

Child, especially since it is a girl.
He is thriftless, and immoral,
being a man who drinks and gambles.

And further this deponent said not
Robert ^{his} Marcum
mark

~~Wit. Claims 1 day 50 Cts.~~

Hunter Marcum, another witness of lawful
age being duly sworn deposes as
follows:

Ques. 1. - State your age, place of
residence and occupation.

Ans. - I am 23 years old, reside
near Balls Forge Lee Co. Va. and
am a farmer.

Ques. 2. Are you acquainted with the
parties to this cause.

Ans. I am -

Ques 3. - Please state anything you
may know with reference to
the conduct of the ~~defendant~~ defendant
towards the plaintiff while they
lived together as husband and
wife?

Ans. - About three or four days before he
left, he came in at our house
one night after his wife had

gone to bed and after only a few words had passed, he told her he wanted to get a divorce from her and took a book out of his pocket and told her to sign a line in it that he showed her and that he could then get a divorce. He said he wanted to get a divorce and go back to Tennessee and feed the girls on chewing gum and have a good time like he used to. She told him yes that he was a chewing gum man. He then struck her in the head with a white oak split. She began to cry and got up. He kept on striking her until he had struck her seven blows. I then told him he had to stop. He asked me what I had to do with it and threw his hands to his pocket as if to get a pistol. I also put my hand in my pocket and told him not to draw the pistol. He went on out in the yard

there and I called my father
and he got up, and the trouble
ended there. I have heard
him curse and abuse her several
times. He carried a razor and
he told me that he was car-
rying it to cut his wife with.
The defendant was sometimes
violent. He drank a good deal
when he could get the whisky.

And further this deponent
saith not.

Hunter ^{his} Marcum
mark

Virginia, Lee County, to-wit:

I, Geo. P. Cridder, a Commissioner in
Chancery for the Circuit Court of Lee
County, Virginia, do certify that the
foregoing depositions of Elie Lee Epperson,
A. H. Baker, Robert Marcum and Hunter
Marcum were taken, sworn to and
subscribed before me at the time,
place and for the purpose in
the caption mentioned.

Given under my hand this Dec. 1, 1910.

Geo. P. Cridder, Comr. in Chg.

Ollie Lee Epperson

vs. { In Chy.

Earl M. Epperson

Depositions of

Ollie Lee Epperson

A. H. Bales

Robert Marcum

Hunter Marcum

Filed this the 3rd of
December, 1910.

H. C. T. Ewing, Clerk

Court's fee \$3⁰⁰

Ollic Lee Epperson }
Earl M. Epperson } In Chauncy,

State of Virginia,

to wit:

County of Lee,

I, H. A. Bales a Justice of the Peace

in and for the County and State aforesaid, in my County aforesaid, do hereby certify that Ollic Lee Epperson

personally appeared before me in my County aforesaid and made

oath that Earl M. Epperson the above named defendant in this cause is not a resident of this State.

Given under my hand this the 1st day of November
1910.

H. A. Bales
Justice of the Peace.

Oliver L. Epperson } Affidavit
Carl M. Epperson } Non Resident

Filed Nov. 7, 1910.

H. C. J. Ewing
Clerk.

In the Clerk's Office of the Circuit Court of the county of Lee, on the 7th
day of November, 1910

Ollie Lee Epperson

against

Earl M. Epperson

Plaintiff

In Chancery.

Defendant

The object of this suit is to obtain a divorce a ~~vinculo~~
~~matrimonii~~ mensa et thoro

And an affidavit having been made and filed that the defendant Earl M. Epperson, is

a not resident of the State of Virginia, it is ordered that he do appear here within fifteen days
after due publication hereof, and do what may be necessary to protect his interest in this suit. And it is
further ordered that a copy hereof be published once a week for four weeks in the Jonesville

Star and that a copy be posted at the front door of the Courthouse of this county as prescribed

by law.

A copy—Teste:

W. L. Davidson, p. q.

H. C. J. Ewing, Clerk.

Ollie Lee Epperson

vs.

ORDER OF
PUBLICATION

Earl M. Epperson.

Virginia, Lee County, to-wit:
J. H. C. J. Ewing, Clerk
of the Circuit Court for the
County aforesaid in the
State of Virginia that I
posted a true copy of the
within order of publica-
tion at the front door of the
Court-house of said County
on this day.

Given under my hand
on this the 9th day of
Nov. 1910.

J. H. C. J. Ewing,
Clerk.

The Commonwealth of Virginia,

To the Sheriff of the County of Lee, Greeting:

WE COMMAND YOU, That you summon

Earl M. Epperson

to appear at the Clerk's office of the Circuit Court of the County of Lee, at rules to be held for the said court, on

the *3rd* Monday in *November*, 19*10*, to answer a bill in chancery exhibited against *him*
in our said Court by Ollie Lee Epperson

And have then there this writ. Witness, H. C. T. EWING, Clerk of our said Court, at the court-house, the *7th*

day of *Nov.*, 19*10*, and 1 *35th* year of the Commonwealth.

A Copy, Teste:

H. C. T. Ewing, Clerk

William B. ..., Clerk

Ollie Lee Epperson

VS

SUBPENA
IN
CHANCERY

Earl M. Epperson

W. L. Davidson p. q.

To 2nd Nov. Rules

Lee Circuit Court

1910.

CERTIFICATE of ORDER of PUBLICATION.

I, W. L. Davidson, Editor of the Jonesville Star, a weekly newspaper published at Jonesville, Lee County, Virginia, do hereby certify that the annexed notice was published in said paper four successive weeks commencing on the 10th, day of November 1910.

W. L. Davidson

EDITOR.

Order of Publication.

In the Clerk's Office of the Circuit Court
of the county of Lee, on the 7th
day of November, 1910

OLLIE LEE EPPERSON Plaintiff,
against

EARL M. EPPERSON Defendant.
In chancery.

The object of this suit is to obtain a divorce a mensa et thoro. And an affidavit having been made and filed that the defendant, Earl M. Epperson, is not a resident of the State of Virginia, it is ordered that he do appear here within fifteen days after due publication hereof, and do what may be necessary to protect his interest in this suit. And it is further ordered that a copy hereof be published once a week for four weeks in the Jonesville Star and that a copy be posted at the front door of the Court-house of this county as prescribed by law,

A copy—Teste:

H. C. T. EWING, Clerk.

W. L. DAVIDSON, p. q.

Phil Lu Epperson
Printer Certificate
Earl M Epperson

Printers Fee \$5.00